



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

APR 22 2004

IN REPLY
REFER TO:

MP-150
ENV-8.00

Mr. Philip Woodward
Regional Water Quality Control Board
Central Valley Region
415 Knollcrest Drive, Suite 100
Redding, CA 96002

Subject: Use Attainment Analysis, West Squaw Creek Watershed Draft Report, the Regional Water Quality Control Board's (RWQCB) Staff Report and Appendix B

Dear Mr. Woodward:

The Bureau of Reclamation has reviewed the subject agency reports and provides the following general comments.

The view of Reclamation is that Alternative 1 – No Action, from the RWQCB's Staff Report be adopted.

Shasta Lake waters have been exceeding the 1.3 ppb dissolved copper concentration at Shasta Dam. 1.3 ppb is specified as a target concentration for copper in the TMDL for the Upper Sacramento River. Prior to amending the Basin Plan, the TMDL issue should be addressed in an effort to meet the target concentrations.

Board staff investigations have determined that most of the elevated copper levels are coming from Little Backbone Creek and West Squaw Creek drainages. The RWQCB's reports should disclose what downstream impacts may be expected to occur if the Basin Plan metals standards are relaxed for West Squaw Creek. Also, if the proposed amendment is approved it may negatively affect Reclamation in several ways. Agency reports should address the impacts for:

- Operations of the Shasta Dam temperature control device;
- Operations at Iron Mountain Mine including dilution with Shasta Lake water including dilution of SPDD acid mine drainage (AMD) with Shasta Lake water;
- Total maximum daily load metal allocations for the Sacramento River;
- Ability to meet Basin Plan objective of water quality;
- Overall operations of Reclamation's Central Valley Project.

Reclamation operates its facilities to meet a complex array of environmental and human needs, most of which are regulated by law. Amending the Basin Plan may have serious impacts to the way Reclamation operates. Reclamation should not be penalized for, or made responsible for, mining operation affects on Shasta Lake waters simply because Reclamation operates a dam at Shasta. The perception is that approval of this proposed amendment will in effect make Reclamation responsible for managing water quality for the entire Shasta Lake area, allowing the landowners of the pollution sources to benefit by allowing them to minimize efforts for controlling pollution sources. Reclamation feels if this amendment is passed that it will open the door for additional mine owners to apply for similar amendments exempting them from applying Best Available Technology and Best Management Practices.

Enclosed for your review is the final compilation of comments from Reclamation for the Draft UAA, the RWQCB's Staff Report and Appendix B.

If you have any questions, please contact Michelle Prowse, Hazardous Materials Specialist, Environmental Affairs Division, at 916-978-5036 or e-mail: mprowse@mp.usbr.gov.

Sincerely,



Frank Michny
Regional Environmental Officer

Enclosures

U.S. Bureau of Reclamation (Reclamation)

Comments for Regional Board Hearing

April 22, 2004

1. Reclamation disagrees with Regional Board statements that the proposed Basin Plan Amendment will "not impact any operations at Reclamation Central Valley Project operations". It is clear that the existing discharges from West Squaw Creek (WSC) and Little Backbone Creek do impact Central Valley Project operations that must comply with the Basin Plan water quality objectives in the Sacramento River below Keswick Dam.
2. The current level of discharges from WSC and Little Backbone Creek cause exceedances of the dissolved copper concentration at Shasta Dam that is specified as a target concentration in the Total Maximum Daily Load (TMDL) for the Upper Sacramento River. The existing level of controls is clearly not adequate. The Regional Board stated its intent to develop a TMDL for Shasta Lake to develop a control program for the discharges from the mines in WSC and Little Backbone Creek and other areas to meet the dissolved copper requirement. The Shasta Lake TMDL should be developed prior to any Regional Board action to remove beneficial uses for WSC.
3. The Regional Board bases its proposed WSC decision in part on an expectation that greater reductions in metal load can be achieved by controlling sources in Little Backbone Creek. The Regional Board has not documented this expectation. A TMDL for Shasta Lake would be the appropriate means to analyze and document the feasibility of this approach. Reclamation's review indicates that the sources remaining to be controlled in Little Backbone Creek will be difficult challenges.
4. MRRC has not yet completed implementation of its remedial program to implement BAT on all point sources, and BMP for non-point sources. Work is expected to be ongoing, perhaps for the next two years. Data also needs to be collected to demonstrate compliance with the NPDES permit which requires a 99 percent reduction from point sources. MRRC's remedial program is not at a point where consideration of a Use Attainability Analysis (UAA) is appropriate. The proposed Regional Board action is premature.
5. Reclamation believes that Best Available Technology (BAT) and Best Management Practice (BMP) technologies are currently available. MRRC does not propose to implement these technologies as part of its remedial program, although doing so could further reduce metal loads discharged into Shasta Lake. What assurance is there that new BMPs will be implemented when old and current ones have not been put in place due to cost or remoteness of the site? What water quality objectives will be the goal of the future BMPs? Will it be 1000 ug/L for domestic and municipal uses? If 1000 ug/L is the target where are the

incentives to implement any BMPs since the water coming off WSC is currently well below 1000 ug/L? The CWA requires implementation of reasonable and effective BMPs. Reclamation feels that this has not been adequately addressed. It is premature to apply for an amendment until all reasonable and effective BMPs have been implemented.

6. The Regional Board proposes to include a statement in the Regional Board Resolution that "the NPDES permit for MRRC will be revised to include a maximum metal loading limit at the mouth of West Squaw Creek to assure the current remedial measures remain effective and current metal reductions are maintained ..." First, the existing metal discharges in WSC need to be further reduced. High metal concentrations in Shasta Lake are a current problem and need to be addressed. Second, it is unclear how this proposed requirement will be monitored and enforced. Requirements for quarterly monitoring in the current NPDES permit are inadequate for determining the actual metal loads discharging from WSC. Weekly sampling conducted over a period of years, or more frequent sampling over a shorter period, would be required to characterize the metal loads discharging from WSC. It is unclear how the Regional Board would be able to interpret the data to take enforcement actions necessary to assure proper operation and maintenance of existing controls. MRRC currently has a NPDES permit (number CA0081876) and is in violation of that permit, but wording in part 23 of the permit has allowed them to "remove or modify a designated beneficial use". So not only is the company in violation without penalty, the company is allowed to apply for a means in which it will not be held liable for the initial permit requirements. If the proposed beneficial uses is removed for WSC and a new NPDES permit is issued; what regulatory authority will there be to "reduce discharges from point and non-point sources"? The concern is: with only the beneficial uses for municipal and domestic water supply the maximum concentrations for copper change from 5.6 ug/L (Basin Plan) to 1000 ug/L. Will this be the new maximum concentration MRRC will need to obtain? Is there another number the Regional Board will set for MRRC only? Will this number be based on data collected from WSC? What regulatory authority will there be to set a number below 1000 ug/L?
7. The Regional Board proposes to include a statement in the Regional Board Resolution that the NPDES permit for MRRC will be revised to "assure that as new BMPs are developed, MRRC will be required to implement these practices to continue to reduce metal loading to WSC". It is unclear how the Regional Board will have the regulatory authority to require the implementation of additional BMPs at a future date. The Regional Board's proposed approach appears to eliminate all effective regulatory drivers that could achieve further reductions in the WSC metal discharges.
8. Reclamation does not see an advantage to and will not be reconfiguring the 70 million dollar TCD. This is an issue that the Regional Board needs to address prior to amending the Basin Plan to remove certain beneficial uses from WSC.

9. Reclamation does recognize there are other sources of metal loading to Shasta Lake in fact it is a concern that these other sources will be able to remove beneficial uses and amend the Basin Plan which will greatly affect the overall water quality of the entire lake. The fact that Little Backbone Creek, "the largest contributor" to metal loading is owned by MRRC is of concern to Reclamation. If this Basin Plan amendment is passed, what will prevent MRRC from applying for and attaining an amendment to the Basin Plan for Little Backbone Creek? Removing the proposed beneficial uses from Little Backbone Creek would be the logical next step for MRRC should the current proposal be adopted.
10. Questions raised by the data presented in the UAA are: What QA/QC measures were used? What methods were used for collecting the samples? What level of training does the staff collecting the samples have? What methods were used by the lab(s) for analyses? How were the sampling sites determined? How were the frequencies of sampling determined? The UAA contains insufficient data to make the determination that WSC will not "support a fishery or spawning in the affected areas". There is inadequate data to make a determination that no further improvements at WSC can be made. Despite this the data show the metal levels decrease significantly each year. If these data are reliable one can conclude that further metal reductions can be made.